

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
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In the Matter of

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Amendment of Parts 2 and 25 of the	)	ET Docket No. 98-206
Commission's Rules to Permit Operation	)	RM-9147
of NGSO FSS Systems Co-Frequency with	)	RM-9245
GSO and Terrestrial Systems in the Ku-	)	
Band Frequency Range	)	
and	)	
Amendment of the Commission's Rules	)	
to Authorize Subsidiary Terrestrial Use	)	
of the 12.2-12.7 GHz Band by Direct	)	
Broadcast Satellite Licensees and Their	)	
Affiliates	)	

SUPPLEMENTAL COMMENTS OF HUGHES COMMUNICATIONS, INC.

Pursuant to the Commission's Public Notice DA 99-2733 (released December 6, 1999), Hughes Communications, Inc. ("HCI") offers the following additional comments in ET Docket No. 98-206 regarding the results of the recently concluded Conference Preparatory Meeting ("CPM"). As the Public Notice references, the CPM reached a number of agreements on issues relating to sharing between geostationary orbit ("GSO") and non-geostationary orbit ("NGSO") satellite systems on Ku band BSS and FSS frequencies. (The CPM also dealt with GSO/NGSO sharing at Ka band, but that issue is not a part of ET Docket No. 98-206 or raised for comment here.)

HCI is the applicant for two Ku band NGSO systems—HUGHESLINK and HUGHESNET—which will be subject to the rules adopted by the Commission in this docket. As such, HCI is an interested party to these issues and this proceeding.

From the outset, HCI has emphasized the need to adopt effective sharing mechanisms between new NGSO systems and the many operational GSO systems at Ku band. HCI is especially sensitive to this issue because other companies wholly or partially owned by Hughes Electronics Corp. operate GSO systems at Ku band. For this reason, the HUGHESLINK and HUGHESNET applications were designed for maximum compatibility with GSO operations.

HCI offers the following comments on the results of the CPM. We believe that the decisions of the CPM on NGSO/GSO sharing at Ku band generally provide a reasonable basis for spectrum sharing *if they can be verified and enforced*. We fully understand and support the concerns of the GSO system operators that additional work is required to ensure verifiability and enforceability. We are also aware of a few specific changes to the CPM conclusions that are needed to adequately protect existing GSO operations in unique circumstances and believe that the Commission could require those changes without undue adverse impact on the NGSO systems. To protect the U.S. public interest that is represented by the billions of dollars of existing investment in operating GSO systems and their millions of users in the U.S. and throughout the world, the Commission must adopt detailed rules and procedures that will unilaterally ensure compliance with appropriate limits by each NGSO system licensed by the Commission or authorized by the Commission to serve the U.S.

As an NGSO applicant, HCI makes the following commitments. First, HUGHESLINK and HUGHESNET will meet all limits on NGSO systems ultimately adopted by the Commission without exception or caveat. Second, HCI will work with the Commission to develop effective rules and procedures to evaluate the compliance of NGSO systems with those limits. Third, we will provide the Commission available information to help the Commission

devise workable validation and enforcement mechanisms for NGSO system compliance with the limits. The Commission should require the same commitments from all NGSO applicants.

Finally, we note that once the Commission resolves the complex GSO/NGSO sharing issues, there remain complex NGSO/NGSO sharing issues to be solved. Significantly, the CPM adopted limits on NGSO systems assuming  $N_{\text{eff}} = 3.5$  systems, but eight NGSO applications are pending before the Commission in the first filing-round at Ku band. To ensure that the CPM results are actually workable for the U.S., in addition to resolving the verification and enforcement issues discussed above, substantial progress on the methods of NGSO/NGSO sharing is required. To date, there have as yet been only very preliminary discussions among the applicants on NGSO/NGSO sharing issues. It is no overstatement that, at this time, no one can know how to successfully achieve sharing among the eight pending systems. It is likely that any successful sharing agreement will require changes in all of the current filings, which the Commission should permit to facilitate sharing. Given the complexity of satellite sharing (both GSO/NGSO and NGSO/NGSO), it is impossible to evaluate the effect of introduction of a terrestrial use of the same spectrum, as requested by Northpoint in this same docket, and any consideration of that proposal should await resolution of *all* of the satellite sharing issues.

Respectfully submitted,

HUGHES COMMUNICATIONS, INC.

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